

## CIVIL DOCKET

BARROW

Class Action

72-C-53

## UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE	ATTORNEYS
<p>Maple Ridge Association, an unincorporated Assn. For plaintiff:  James.W. and La Fleura D. Owens; Arthur W. and Joann Johnson; Andrew T. Dalton, Jr. and Sudy Dalton; Russell S. and Ann W. Knappen; John and Wandy Fitzpatrick; Mrs. Milton W. Hardy; Robert H. and Suzanne Alexander; Harold S. and Lela H. Wood; Wayne and Mary Ann Woody; Prier Lee Price, III and Jean M. Price; Harley and Thelma Van Cleave; Mrs. Betty R. Spurgin; Mrs. Anne B. Joyes; Mrs. Mary L. Horner; Mr. and Mrs. S. H. Andrews; Mr. and Mrs. Bill Hart; Robert and Janet S. Hardy; T. D. Williamson, Jr. and Carol Williamson; John Ladner, Sr. and Mildred D. Ladner; Douglas and Rosanne Edwards; Richard O. and Marie Audrain; Jack M. and Jeanette S. Wolfe, in behalf of themselves and all other persons similarly situated,</p> <p>vs.</p> <p>John A. Volpe, as Sec. of Transportation of the USA;  E. A. Sparks, as Div. Engineer of Federal Highway Admin. of the State of Okla.; The Oklahoma Highway Commission; The Oklahoma Department of Highways;  C. D. Payne, as Chairman of the Okla. Highway Com.; C. Hubert Cragg, Vice-Chairman of Okla. Highway Com.; D. K. Swon, as Sec. of Okla. Highway Com.; B. L. Klutts, H. E. Rainbolt, Robert M. Kerr, Wilbur G. Whiteneck and William H. Bell, as Members of Okla. Highway Com.; Chester Brooks, as Director of Okla. Dept. of Highways; Gaylund Adams, as Chief of Right-of-Way Div. of Okla. Dept. of Highways; Robert J. LaFortune, as Mayor of City of Tulsa, Okla.; William Morris, Brad Scheer, Anthony F. Keating and Joseph F. Coleman, as Members of Board of Commissioners of City of Tulsa, Okla.; The Missouri Pacific Railroad Company, a Missouri corporation,</p>	<p>Louis Levy 584-2653  1600 4th Natl. Bank Bldg.  Tulsa, Okla. 74119  584-2653</p> <p>Frank L. Thompson  Suite 1517, 4th Natl. Bk. Bldg.  Tulsa, Okla. 74119</p> <p>583-2606</p> <p>Wm. K. Powers (Texas &amp; Pacific)  1501 4th Nat'l Bk Bldg.  Tulsa, Oklahoma 74119</p> <p>Nathan G. Graham (Sec./transp and Fed. Highway Adm.)</p> <p>Robert H. Tips 587-0074  200 Civic Center, Rm 1012  Tulsa, Okla 74103 (581-5201)</p> <p>Floyd W. Taylor  Okla Hgwy Dept, Jim Thorpe Bldg.  Okla City, Okla  ROYCE H. SAVAGE - 587-0005  914 World Bldg., Tulsa, Oklahoma</p>

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 3-1-72	Clerk	2/18/72 2-24-72	L. Levy C.D.No. 38	15.00	15 00
J.S. 6 mailed 2-1-73	Marshal				
Basis of Action: injunctive mandamus and declaratory relief.	Docket fee Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
2-18-72	Complaint, filed. Summons issued. rm	
2-28-72	Return of Marshal's service of summons and complaint, filed. Served <u>Joseph F. Coleman</u> , as member of Bd. of Com. of Tulsa on 2/25/72 (USM \$3.00) rm	
2-28-72	Return of Marshal's service of summons & complaint, filed. Served <u>Wm. Morris</u> , Member of Bd. of Com. of Tulsa on 2/25/72 (USM \$3.00) rm	
2-28-72	Return of Marshal's service of summons and complaint, filed. Served <u>Brad Scheer</u> , Member of Bd. of Com. of Tulsa on 2/23/72 (USM \$3.00) rm	
2-28-72	Return of Marshal's service of summons and complaint, filed. Served <u>Robert J. LaFortune</u> , as Mayor of Tulsa on 2/23/72 (USM \$3.00) rm	
2-28-72	Return of Marshal's service of summons and complaint, filed. Served <u>Anthony F. Keating</u> , member of Bd. of Com. of Tulsa 2/23/72 (USM \$3) rm	
2-28-72	Return of Marshal's service of summons & complaint, filed. Served <u>John A. Volpe</u> , Sec. of Transp. of U.S. by serving US.D.A. in Tulsa; by mailing 2 cyps to Atty Gen and 1 copy to John A. Volpe, 2/23/72 (USM \$3) rm	
2-28-72	Return of Marshal's service of summons & complaint, filed. Served <u>Okla. Dept. of Highways</u> by serving <u>Floyd Taylor</u> , legal counsel for OHC on 2/23/72 (USM \$4.00) rm	
2-28-72	Return of Marshal's service of summons and complaint, filed. Served <u>C. D. Payne</u> , Chairman of OHC, by serving <u>Floyd Taylor</u> , counsel, on 2/23/72 (USM \$4.00) rm	
2-28-72	Return of Marshal's service of sum. & Compl., filed, Served <u>Robert M. Kerr</u> , member of OHC, by serving <u>Floyd Taylor</u> , counsel, OHC 2/23/72 (USM \$4.00) rm	
2-28-72	Return of Marshal's service of sum. & compl., filed. Served <u>Chester Brooks</u> , Dir. ODH, by serving <u>Floyd Taylor</u> , counsel, on 2/23/72 (USM \$4) rm	
2-28-72	Return of Marshal's service of sum. & compl., filed. Served <u>Gaylund Adams</u> , Chief of R/W by serving <u>Floyd Taylor</u> , counsel, 2/23/72 (USM \$4.72) rm	
2-28-72	Return of service of <u>H. E. Rainbolt</u> , member of OHC, by serving <u>Floyd Taylor</u> , counsel, 2/23/72 (USM \$4.00) rm	
2-28-72	Return of Marshal's service of sum. & comp., filed. Served <u>Wilbur G. Whiteneck</u> , memb. of OHC, on 2/23/72 (USM \$4.00) rm	
2-28-72	Return of Marshal's service of sum. & comp., filed. Served <u>Wm. H. Bell</u> by serving <u>Floyd Taylor</u> , counsel, on 2/23/72 (USM \$4.00) rm	
2-28-72	Return of Marshal's service of sum. & comp., filed. Served <u>Oklahoma Highway Com.</u> by serving <u>Floyd Taylor</u> , counsel, 2/23/72 (USM \$4.00) rm	
2-28-72	Return of Marshal's service of sum. & comp., filed. Served <u>D. K. Swon</u> by serving <u>Floyd Taylor</u> , counsel, on 2/23/72 (USM \$4.00) rm	
2-28-72	Return of Marshal's service of sum. & comp., filed. Served <u>E. A. Sparks</u> in Okla. City on 2/23/72 (USM \$4.00) rm	
2-28-72	Return of Marshal's service of sum. & comp., filed. Served <u>B. L. Klutts</u> by serving <u>Floyd Taylor</u> , counsel, on 2/23/72 (USM \$4.00) rm	
2-28-72	Return of Marshal's service of sum. & comp., filed. Served <u>Missouri Pac. RR Co.</u> , by serving <u>Dan M. Welch</u> , reg. agent, in Okla. City, on 2/23/72 (USM \$4.00) rm	
2-28-72	Return of Marshal's service of sum. & comp., filed. Did not serve <u>C. Hubert Gragg</u> , as no longer member of Okla. Highway Com. (USM FF \$1.00) rm	
4-21-72	Deft (Texas and Pacific Railway Co.) Motion to Dismiss, filed. r	
4-21-72	Defts Brief in support of Motion to Dismiss, filed. r	
4-21-72	Ordered by the Court that Pltf is granted 10 days from this date to Respond to Defts Motion to Dismiss. (AEB-J)r	
4-25-72	Answer of federal defs., filed. rm	
4-25-72	Answer of Robt J. LaFortune as Mayo & Members of Board of Commissioners of City of Tulsa, filed. r	
4-25-72	Answer of State Defts, filed. r	
8-7-72	Order sustaining the motion to dismiss of the Texas and Pacific Railway (cont)	

DATE	PROCEEDINGS	Date Order or Judgment Noted
	Company, and said party is no longer a party deft. in case, filed <i>entered.</i> (AEB-J)hm (copies mailed)	
8-31-72	Order filed directing counsel to hold pretrial prior to 9-29-72, submit pretrial order not later than 10-6-71, and to submit trial briefs 10 days after 10-6-72. (AEB-J)g (copies mailed)g	
9-1-72	Application to Amend Complaint, filed by the Pltff.s. v <i>order to be in by 9-5-72</i>	
9-1-72	Request for Admissions, filed by the Plaintiffs. v	
9-6-72	Order amending complaint, filed. (AEB-J)hm (copies mailed)	
9-6-72	Interrogatories to Deft.s, filed by the Pltff.s v	
9-6-72	Request for Production of Documents, filed by the Pltff.s v	
9-11-72	Amended complaint, filed. hm	
9-12-72	It is ordered by the Court that this case is set for pre-trial conference 9-29-72 at 10:00 a.m. (AEB-J)hm	
9-27-72	It is ordered that this case is passed for pre-trial from 9-29-72 to Oct. 10, 1972 at 10:00 am.(AEB-J)h	
10-10-72	Pre-trial hearing held. Parties present and represented. Pre-pre-trial hearing hld; Def. State of Okla., asks for continuance, pending settlement. Proposals for settlement discussed. Parties directed to advise the court as to convenient setting for further pre-trial hearing. (AEB-J)hm	
11-30-72	Case set for further pre-trial hearing on Thurs, Dec. 7, 1972 at 10:00 A.M. (notice mailed all parties.)	
12-7-72	Further pre-trial hearing held. Parties present and represented. Oral motion of Wm. Bell for approval of Riverside project being removed from State Highway program and placed on City Program approved by the court. Court finds by agreement of parties pursuant to Rule 23b, this is a class action and plaintiff have adequate standing to bring action. Attorney Louis Levi directed to prepare order and final Judgment within 10 days; Order/entered as of this date. (AEB-J)h	
1-10-73	Case set for disposition 1-16-73 at 10:00 a.m. (AEB-J)hm	
1-16-73	Case called for disposition for failure to file final papers. By request of parties, case passed to 1-23-73 for filing final papers. (AEB-J)h (notice)	
1-22-73	Ordered by the Court that the setting of this case regarding the filing of Final Papers, on 1-23-73, has been Passed until 1-25-73, at 11:00 A.M. (AEB-J)v <i>parties notified by phone on 1-22-73. notices mailed on 1-22-73.</i> v	
1-26-73	Case called for the Filing of the Final Papers. Parties present and represented. Parties present stipulated Findings of Fact and Conclusions of Law and Judgment to the Court for approval and signature. Court signs the above mentioned pleadings in Open Court. (AEB-J)v	
1-26-73	Findings of Fact and Conclusions of Law, filed in open court. (AEB-J)v	
1-26-73	Judgment filed and entered. Judgment shall be entered to conform with the Findings of Fact. (AEB-J)v	

## Sheet 3, Page 4

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-6-75	Complaint for injunctive relief and in aid of execution of judgment, filed; pltfs. seek preliminary (temporary) injunction prohibiting construction of Detroit Overpass. g	
11/17/75	IT IS ORDERED that the request for a temporary restraining order contained in the complaint filed on June 6, 1975, be and the same is hereby denied, plaintiffs superseded said request by instituting a new action, assigned the number of 75-C-228, filed June 13, 1975. (AEB-J) mc	
11/17/75	IT IS ORDERED that the Complaint filed in 72-C-53 on June 6, 1975, is dismissed without prejudice. (AEB-J) mc	